



T-7AB

04-25-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #71

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

- - - - - X
THE PROCTER & GAMBLE COMPANY, :
Opposer, : Opposition
v. : No. 91,155,941
INTIMATE BEAUTY CORPORATION d/b/a :
VICTORIA'S SECRET BEAUTY, :
Applicant. :
- - - - - X

ANSWER AND AFFIRMATIVE DEFENSES TO NOTICE OF OPPOSITION

Applicant, INTIMATE BEAUTY CORPORATION d/b/a VICTORIA'S SECRET BEAUTY, owner of United States Application Serial No. 78/114,326 to register the mark SECRET 77 for personal care products in International Class 3, for its Answer and Affirmative Defenses to the Notice of Opposition filed by opposer THE PROCTER & GAMBLE COMPANY, pursuant to the order of the Honorable Trademark Trial and Appeal Board mailed on April 14, 2003, avers as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Notice of Opposition.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Notice of Opposition.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Notice of Opposition.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Notice of Opposition.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of the Notice of Opposition.

6. Applicant denies the allegations contained in Paragraph 6 of the Notice of Opposition.

7. Applicant denies the allegations contained in Paragraph 7 of the Notice of Opposition, but admits that the subject application includes "anti-perspirant".

8. Applicant denies the allegations contained in Paragraph 8 of the Notice of Opposition.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations contained in Paragraph 10 of the Notice of Opposition.

11. Applicant denies the allegations contained in Paragraph 11 of the Notice of Opposition.

12. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of the Notice of Opposition.

13. Applicant denies the allegations contained in Paragraph 13 of the Notice of Opposition.

14. Applicant admits the allegations contained in Paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations contained in Paragraph 15 of the Notice of Opposition.

FIRST AFFIRMATIVE DEFENSE

16. No one company engaged in the marketing of personal care products is entitled to the exclusive right to register and/or use the word "secret" as a part of its mark or name.

SECOND AFFIRMATIVE DEFENSE

17. Applicant and its affiliated companies, V Secret Catalogue, Inc., Victoria's Secret Direct, LLC and Victoria's Secret Stores, Inc. have, over the years, adopted, used and are using various marks which include the word "secret" for personal care products, lingerie, swimwear and related merchandise.

THIRD AFFIRMATIVE DEFENSE

18. In addition, upon information and belief, numerous third parties have registered, used and/or are using the word "secret" as part of trademarks for personal care products.

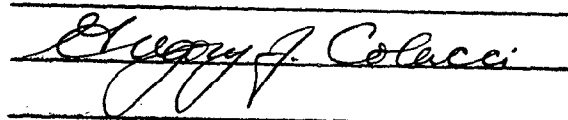
WHEREFORE, Applicant prays that the Notice of Opposition be dismissed, that registration be issued to Applicant on its Application Serial No. 78/114,326, and/or that the Board grant to Applicant such other and/or further relief as the Board

may deem just and proper.

Dated: New York, New York
April 24, 2003

COLUCCI & UMANS


I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513



Signature

04-24-03

Date of Signature

By 
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CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing "Answer and Affirmative Defenses to Notice of Opposition" has been served, via first-class mail, postage prepaid, on Opposer's Attorneys, Lynda E. Roesch of Dinsmore & Shohl, LLP at 1900 Cherked Center, 255 East Fifth Street, Cincinnati, Ohio 45202 this 24th day of April, 2003.

